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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,454	07/18/2003	Satoru Hamada	043873-5005-02	1128

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,454

Applicant(s)

HAMADA, SATORU

Examiner

Martin J. Angebranndt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The response of the applicant has been read and given careful consideration. Responses to the arguments are presented after the first rejection to which they are directed. Rejections of the previous office action, not repeated below are withdrawn in view of the amendments and arguments of the applicant.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adolfs et al. '352, in view of Mallik et al. '548.

Adolfs et al. '352 teaches a hologram according to figure 4 which contains a object identification number, a position marker, a two dimensional grid and a holographic lens or combiner (light is focuses a bundled beam into one light beam). (6/10-32). The use of stamped holograms or adhesively applied holograms is disclosed. (2/66-3/2).

Mallik et al. '548 teach the use of continuous processes to form holograms onto an endless web (111). The use of casting allows many replicas to be formed quickly with less photosensitive resin used due to the isolation of the holographic images from one another. These replicas may then be adhered to object surfaces. (1/42-3/5 and figures 2 and 3)

It would have been obvious to one skilled in the art to use continuous processes which includes the use of photopolymers where the holograms are formed on a carrier tape such as

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those disclosed by Mallik et al. '548 to form a plurality of embossed or stamped holograms shown in figure 4 of Adolfs et al. '352, which include holographic object identification numbers ready for adhesion onto the desired substrate to allow the rapid and efficient formation of these holograms.

The applicant argues that combining Adolfs et al. '352, in view of Mallik et al. '548 in the manner described in the rejection, where each 4/4 hologram has its own holographic serial number and a plurality of these are formed on a holographic tape as taught by Mallik et al. '548, fails to appreciate that in Adolfs et al. '352, the serial number is holographic and the idea of a serial number is that it is specific to a single article, not a line of articles, like a model number would be. The recording of plural holograms on a tape relates to making the article amendable to continuous processing which has been recognized by the courts as an obvious advantage (*MPEP 2144.04(V)E In re Dinot*, 319 F.2d 188, 138 USPQ 248 (CCPA 1963)). This dovetails nicely with the teachings of continuous processing by Mallik et al. '548. The rejection stands.

3. Claims 6,27-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabbiani et al. '366, in view of Ueda et al. '598.

Fabbiani et al. '366 teaches with respect to figure 1(b), the formation of a hologram which includes an image (7), barcoding (23) and a number (24) all recorded holographically. Figures 9(a) and 9(b) teach the use of implanted LCDs in optical cards which effects the appearance of a hologram coated on top of it. (3/27-34).

Ueda et al. '598 teach with respect to figure 8, the recording of holograms in isolated areas "A" of a film (tape) (11/20-38). The process continuously uses a holographic master to form copies in a continuous manner and thereby increase productivity. (1/31-46).

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It would have been obvious to one skilled in the art to use continuous processes which includes the use of photopolymers where the holograms are formed on a carrier tape such as those disclosed by Ueda et al. '598 to form a plurality of embossed or stamped holograms shown in figure 1b of Fabbiani et al. '366, which include holographic object identification numbers ready for adhesion onto the desired substrate to allow the rapid and efficient formation of these holograms.

The applicant argues that combining Fabbiani et al. '366, in view of Ueda et al. '598 in the manner described in the rejection, where each 4/4 hologram has its own holographic serial number and a plurality of these are formed on a holographic tape as taught by Ueda et al. '598, fails to appreciate that in Fabbiani et al. '366, the serial number is holographic and the idea of a serial number is that it is specific to a single article, not a line of articles, like a model number would be. The recording of plural holograms on a tape relates to making the article amendable to continuous processing which has been recognized by the courts as an obvious advantage (M<PEP 2144.04(V)E In re Dinot, 319 F.2d 188, 138 USPQ 248 (CCPA 1963). This dovetails nicely with the teachings of continuous processing by Ueda et al. '598. The rejection stands.

4. Claims 6 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabbiani et al. '366, in view of Ueda et al. '598, Ueda et al. '066 and Adolfs et al. '352.

Ueda et al. '066 teach with respect to figure 8a, a holographic recording tape (41), which includes two differently sensitized areas (42,43) (8/1-28). The use of these volume holographic recording media to form holographic combiners is disclosed. (2/1-30). The examples use photopolymerizable compositions.

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In addition to the basis provided above, it would have been obvious to one skilled in the art to modify the combination of Fabbiani et al. '366 and Ueda et al. '598 and use the resulting process to form other holograms, such as those containing combiners taught by Ueda et al. '066 and Adolfs et al. '352 with a reasonable expectation of realizing the gains in productivity and individualization of the resultant holograms.

The rejection stands for the reasons above with out further comment as no further arguments were directed at this rejection.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

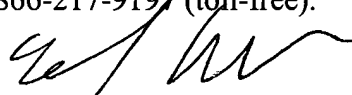
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J Angebrannndt whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Martin J Angebrannndt
Primary Examiner
Art Unit 1756

09/28/2005